

**BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION**

WATCO TRANSLOADING, LLC

and

UNITED STEEL, PAPER AND  
FORESTRY, RUBBER,  
MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL UNION,  
AFL-CIO (LOCAL) USW 10-1

Cases 04-CA-136562  
04-CA-137372  
04-CA-138060  
04-CA-141264 and  
04-CA-141614

DENNIS ROSCOE, an Individual

Case 04-CA-138265

**GENERAL COUNSEL’S CROSS-EXCEPTIONS TO THE DECISION OF THE  
ADMINISTRATIVE LAW JUDGE**

Pursuant to 29 CFR § 102.46(c), the General Counsel files the following cross-exceptions to the April 5, 2017 decision of the Administrative Law Judge (“ALJ”):

1. The ALJ’s conclusion that Watco Transloading, LLC (“Respondent”) was justified in forbidding employee John D. Peters from discussing Respondent’s disciplinary investigation with any other person is contrary to Board precedent (ALJD at p. 10, line 33 through p. 11, line 29).
2. The ALJ made no determination as to whether Respondent, by its manager Brian Spiller, unlawfully interrogated employees in early September 2014 regarding union activity, despite finding facts establishing such a violation (ALJD at p. 12, line 20 through p. 13, line 22).
3. Respondent violated Section 8(a)(1) by issuing employee Dennis Roscoe two disciplinary warnings on August 21, 2014 because he engaged in protected

concerted—as opposed to union—activity, but the ALJ inadvertently stated this conduct also violated Section 8(a)(3) (ALJD at p. 13, line 35 through p. 14, line 20; p. 17, line 34).

4. The ALJ inadvertently failed to order Respondent to rescind two adverse actions Respondent took against Roscoe at the same time it suspended him for fourteen days on October 2, 2014—specifically, the “Final Warning” it issued against Roscoe and his placement on a “Performance Improvement Plan”—despite concluding that the suspension was unlawfully motivated (ALJD at p. 14, line 22 through p. 16, line 45).
5. The ALJ made no determination as to whether Respondent, by its manager Brian Spiller, on September 16 or 17, 2014, unlawfully promised employees that he would try to procure heavy gloves and hats or masks for them to discourage them from forming a union, despite finding facts establishing such a violation (ALJD at p. 12, line 20 through p. 13, line 22).
6. The ALJ made no determination as to whether Respondent, by its manager Brian Spiller, on September 16 or 17, 2014, unlawfully solicited employee grievances and promised to try to resolve them to discourage employees from forming a union, despite finding facts establishing such a violation (ALJD at p. 12, line 20 through p. 13, line 22).

[Signature page to follow.]

Respectfully submitted,

/s/ Mark Kaltenbach

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Dated: June 14, 2017